

NOT TO BE PUBLISHED

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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Shasta)

THE PEOPLE,

Plaintiff and Respondent,

v.

VIVIAN LOUISE OLSEN,

Defendant and Appellant.

C043059

(Super. Ct. No. 01F7038)

ORDER MODIFYING OPINION
AND DENYING PETITION FOR
REHEARING

[NO CHANGE IN JUDGMENT]

THE COURT:

It is ordered that the opinion filed herein on July 20, 2004, be modified as follows:

1. In the upper portion of page 10, delete the text that reads "The Attorney General has soundly conceded that exigent circumstances do not support the search." and insert in its place, "The Attorney General has soundly conceded that the People failed to establish that exigent circumstances justified the warrantless search."

2. At page 10, at heading "II.", delete the text that reads "Independent Source" and insert in its place, "Lack of Probable Cause".

3. At page 11, delete the text of the first paragraph on the page in its entirety, beginning with the word "Defendant" through and including "at p. 331)."

4. At page 11, delete the heading "III. Lack of Probable Cause" in its entirety.

5. At the bottom of page 11, delete the text that reads "In any event, the redacted warrant does not establish probable cause." and insert in its place, "The redacted warrant does not establish probable cause."

There is no change in the judgment. The petition for rehearing is denied.

BY THE COURT:

BLEASE, Acting P. J.

BUTZ, J.

I would grant the petition.

MORRISON, J.

